

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

**STUDENTS FOR FAIR
ADMISSIONS, INC.,**

Plaintiff,

v.

**UNIVERSITY OF NORTH
CAROLINA et al.,**

Defendants.

**DEFENDANTS' INITIAL
DISCLOSURES**

Pursuant to Fed. R. Civ. P. 26(a)(1) and in light of the Joint Stipulation of Dismissal filed by Plaintiff Students For Fair Admissions, Inc. on March 20, 2015 (Dkt. 29), Defendants the University of North Carolina ("UNC System"), UNC System President Thomas W. Ross, the UNC Board of Governors and its individual members, The University of North Carolina at Chapel Hill (the "University"), University Chancellor Carol L. Folt, University Executive Vice Chancellor and Provost James W. Dean, and University Vice Provost for Enrollment and Undergraduate Admissions Stephen M. Farmer submit these Initial Disclosures.

Having answered Plaintiff's Complaint on March 24, 2014 (Dkt. 30), Defendants hereby make these Initial Disclosures without the benefit of discovery. Defendants reserve the right to supplement and amend their disclosures as necessary and appropriate, including to add additional witnesses and documents.

Believed to have information regarding their intent to apply for admission to the University and their qualifications for admission. These individuals are also believed to have information about how they were recruited or solicited to join SFFA and what, if any, role they play in the organization.

5. “Parents” of future applicants to the University (as defined in the Complaint)

Names and Addresses unknown

Believed to have information regarding their children’s intent to apply for admission to the University and their qualifications for admission. These individuals are also believed to have information about how they were recruited or solicited to join SFFA and what, if any, role they play in the organization.

6. SFFA Custodian of Records

Name and address unknown.

Believed to have information regarding the facts and documents pertaining to SFFA’s membership, funding, structure, governance, purpose, mission, and activities.

B. Individuals Associated with Defendants

University Office of Undergraduate Admissions Personnel

1. Stephen Farmer, University and Vice Provost for Enrollment and Undergraduate Admissions

c/o Defendants’ Counsel

Information regarding the development of the University’s undergraduate admissions policies and procedures, evaluation of applications for admission to the University, the admissions decision making process, admissions for special talent students, scholarships and financial aid, the University’s assessment and consideration of race-neutral alternatives, and data regarding the University’s admissions decisions. Mr. Farmer also has knowledge of the assessment of the University’s compelling interest in diversity and achieving a critical mass of diversity in the undergraduate student body.

2. Barbara Polk, University Senior Associate Dean of Admissions
c/o Defendants' Counsel

Information regarding the University's recruitment of prospective students, the evaluation of applications for admission to the University, the admissions decision making process, data regarding the University's admissions decisions, and the University's assessment and consideration of race-neutral alternatives.

3. Jared Rosenberg, University Senior Assistant Director of Admissions
c/o Defendants' Counsel

Information regarding the University's recruitment of prospective students, evaluation of applications for admission to the University, the training and guidance provided to application evaluators, the admissions decision making process, and awarding of scholarships.

4. Jennifer Kretchmar, University Senior Assistant Director of Admissions
c/o Defendants' Counsel

Information pertaining to admissions data, reports reflecting admissions data, the University's assessment and consideration of race-neutral alternatives, and the evaluation of applications for admission.

5. Andrew Parrish, University Senior Assistant Director of Admissions
c/o Defendants' Counsel

Information regarding the University's recruitment of prospective applicants, including underrepresented students and first generation college students.

6. Barkley Barton, University Assistant Director of Admissions
c/o Defendants' Counsel

Information regarding the evaluation of applications for admission to the University, the admissions decision making process, the recruitment of prospective students, special talent admissions for

performing arts students, and nomination and selection of applicants for merit scholarships.

7. Ashley Memory, University Senior Assistant Director of Admissions
c/o Defendants' Counsel

Information regarding the recruitment of prospective students, the evaluation of applications for admission to the University, and the University Office of Undergraduate Admission's communications with prospective students.

8. University Application Readers from 2013-2014 admissions cycle to present

c/o Defendants' Counsel. List of names available upon request.

Information regarding the guidance provided to application readers in regards to the evaluation of applications, training provided to application readers, and the evaluation of applications for undergraduate admission to the University.

Other University Officers and Employees

9. Carol Folt University Chancellor

c/o Defendants' Counsel

Information regarding the University's mission and goals and the critical role of a diverse undergraduate population to the University's ability to achieve its educational, research, and service mission.

10. James Dean, University Provost

c/o Defendants' Counsel

Information regarding the University's mission and goals and the critical role of a diverse undergraduate population to the University's ability to achieve its educational, research, and service mission.

11. Winston Crisp, University Vice Chancellor of Student Affairs

c/o Defendants' Counsel

Information regarding how a diverse undergraduate student body and environment complements and enriches the broader University student experience.

12. Lynn Williford, University Assistant Provost for Institutional Research and Assessment

c/o Defendants' Counsel

Information regarding data related to admissions and enrolled undergraduate students and the University's assessment and consideration of race-neutral alternatives.

13. Current and former University administrators, faculty, staff, and students with information Defendants pertinent to the claims and defenses who have not yet been discovered.

II. Categories and Location of Documents Defendants May Use to Support Their Defenses

1. Aggregate data and related reports regarding the University's undergraduate admissions decisions for classes that entered in the fall 2012, fall 2013, and fall 2014;
2. The University's written undergraduate admissions policies and procedures applicable to the entering class for the fall 2014;
3. Written guidance provided to evaluators of applications for admission to the University for the entering class of fall 2014;
4. Documents related to applicant files for first-year undergraduate admission to the University for the entering class of fall 2014;
5. Reports related to the University's assessment and consideration of race-neutral alternatives since fall 2012;
6. Data regarding scholarships and financial aid provided to the entering class of fall 2014;
7. Documents related to the University's recruitment of prospective students, including the recruitment of underrepresented students;
8. Documents related to the University's retention of enrolled students; and

9. Documents related to the importance of diversity at the University including but not limited to the University's Diversity Plan.

All documents are believed to be at the University and will be made available upon request to Defendants' counsel.

III. Damages

Defendants are not seeking damages in this action.

IV. Insurance

Plaintiff is not seeking money damages, therefore insurance agreements are not applicable to this case.

Submitted May 20, 2015

/s/ Michael Scudder
Michael Scudder
Skadden, Arps, Slate, Meagher & Flom,
LLP
155 North Wacker Drive
Chicago, IL 60606-1720
(312) 407-0877
E: michael.scudder@skadden.com

ROY COOPER
Attorney General

/s/ Stephanie Brennan
Stephanie Brennan
Special Deputy Attorney General
NC State Bar No. 35955
E: sbrennan@ncdoj.gov

/s/ Lisa Gilford
Lisa Gilford
Skadden, Arps, Slate, Meagher & Flom,
LLP
300 South Grand Ave.
Suite 3400
Los Angeles, CA 90071
(213) 687-5130
E: lisa.gilford@skadden.com
Attorneys for Defendants

/s/ Matthew Tulchin
Matthew Tulchin
Assistant Attorney General
NC State Bar No. 43921
E: mtulchin@ncdoj.gov
NC Department of Justice
Post Office Box 629
Raleigh, NC 27602-0629
T: (919) 716-6920
F: (919) 716-6764
Attorneys for Defendants

CERTIFICATE OF SERVICE